

**Remarks:**

Prior to entry of the present amendment, claims 1-3, 5-11 and 13-27 remained pending in the application. Claims 1-3, 6-7, 9-11, 26 and 27 stand rejected under 35 U.S.C. §102(b) based on Yagi et al. (US 5,896,032). Claim 8 stands rejected under 35 U.S.C. §102(b) based on Andermo et al. (US Re. 34,741). Claims 14-25 stand rejected under 35 U.S.C. §102(b) based on Kasnuki et al. (US 5,418,771). Claims 5 and 13 stand rejected under 35 U.S.C. §103(a) based on Yagi et al. in view of Andermo.

Applicants have herein amended claims 1, 5, 9, 10, 13 and 26 pursuant to the Examiner's comments in the July 27, 2005 Office action, and in view of a September 15, 2005 interview with the Examiner. Claims 8, 14-25 and 27 have been cancelled, without prejudice. Claims 2, 3, 6, 7 and 11 remain unchanged, but for their dependency from the aforementioned amended claims. In view of the foregoing amendments and the following remarks, applicants request reconsideration of the rejected claims.

With applicants' cancellation of claims 8, 14-25 and 27, all pending claims stand rejected based on Yagi et al., either alone, or in view of Andermo. Applicants note, however, that Yagi et al. fails to disclose a capacitance-based position sensor configured so that its output is substantially independent of perpendicular spacing variations occurring between 1) the first plate and one of the pair of second plates, and 2) the first plate and an other of the pair of second plates (i.e. where spacing between the first plate and the second plate A is different from spacing between the first plate and second plate B). Andermo similarly fails in this regard.

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The Examiner acknowledges the aforementioned distinction in the July 27, 2005 Office action (see, page 13), but asserts that the claims do not recite "spacing differences between first plate and second plate A; and first plate and second plate B." Applicants respectfully disagree with the Examiner's characterization of the claims.

Nevertheless, in view of an conversation between the undersigned and the Examiner, applicants have amended claims 1 and 5 to recite a sensor output (or an output-input transfer function) that is "substantially independent of perpendicular spacing variations occurring between 1) the first plate and a second plate A, and 2) the first plate and a second plate B," thus making the previously-noted distinction more clear. Claims 9, 13 and 26 have been amended to recite sensor output (or an output-input transfer function) that is "independent of perpendicular spacing variations occurring between 1) the first plate and one of the pair of second plates, and 2) the first plate and an other of the pair of second plates."

Inasmuch as this point has been argued in applicants' previous Amendment (filed February 18, 2005), and the Examiner has had an opportunity to search for art in view of applicants' proposed interpretation of the claims, entry of the present amendment is appropriate.

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Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

KOLISCH HARTWELL, P.C.



Walter W. Kamstein  
Registration No. 35,565  
520 S.W. Yamhill Street, Suite 200  
Portland, Oregon 97204  
Telephone: (503) 224-6655  
Facsimile: (503) 295-6679  
Attorney for Applicants

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner L. Chow, Group Art Unit 2652, Assistant Commissioner for Patents, at facsimile number (703) 872-9306 on September 27, 2005.

  
Christie A. Doolittle

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